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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,420	10/27/2003	Tomishige Taguchi	03500.010166.2	1918
5514 7590 03/21/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2622	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/693,420	Applicant(s) TAGUCHI, TOMISHIGE	
	Examiner Nelson D. Hernandez	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/801,367.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the preliminary amendments filed on October 27, 2003. Claims 1-27 have been canceled. Claims 28-39 have been newly added. Amendments to the title are acknowledged and accepted. Amendments to the Specifications are acknowledged and accepted.

Claim Objections

2. **Claim 30** is objected to because of the following informalities: in claim 3, the word "photographable" should be written as "photographable". Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claim 38** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **claim 38** recites "A computer readable recording medium having recorded thereon a program for executing a video system control method comprising the steps of: ...". "A computer readable medium" as claimed does not define structural and functional interrelationships between the data structure, the computer software and hardware components, which permit the data structure to be

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realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program logic itself is not a process; therefore the invention as claimed is non-statutory. For examining purposes the claim will be read as "A computer readable recording medium having recorded thereon a program for executing a video system control method, the program comprising logic that when executed by a computer would perform the steps of: ...".

5. **Claim 39** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **claim 39** recites "A computer readable recording medium having recorded thereon a program for executing a video system control method comprising the steps of: ...". "A computer readable medium" as claimed does not define structural and functional interrelationships between the data structure, the computer software and hardware components, which permit the data structure to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program logic itself is not a process; therefore the invention as claimed is non-statutory. For examining purposes the claim will be read as "A computer readable recording medium having recorded thereon a program for executing a video system control method, the program comprising logic that when executed by a computer would perform the steps of: ...".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claim 28 and 30-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashida et al., US Patent 5,206,721.**

Regarding claim 28, Ashida et al. discloses a video system (Figs. 1, 9, 12, 18, 23 and 24) comprising: an image pickup control device (Figs. 1, 9, 12, 18, 23 and 24) that controls an image pickup operation of an image pickup device (Fig. 1: 1a and fig. 1: 1b); a display control device (Fig. 1: 3; fig. 9: 103; fig. 24B: 242) that displays a photographable image on a screen (Fig. 1: 5; fig. 9: 104; fig. 12: 124); a range setting device (Fig. 9: 103; fig. 18: 137a) that sets a desired image portion of the photographable image (See fig. 9: 102-1; see also fig. 12; image taken by camera 131-1 in fig. 13) displayed on the screen, thereby setting a restricted display region (See fig. 9: 102-2; see also fig. 12; image taken by camera 131-2 in fig. 13) indicating the desired image portion on the photographable image (Fig. 9: 104; fig. 12: 124; fig. 24C); and an image processing device (Fig. 9: 103; fig. 12; fig. 13: 137; fig. 18) that exchanges an image picked up by the image pickup device in the restricted displaying region for an other image (As shown in fig. 18, the control unit 138 in conjunction with ratio control 137a and selector 139, replace a portion of the image captured by camera 131-1 with image data captured by camera 131-2) (Col. 4, line 34 – col. 5, line 25; col. 9, lines 3-

35; col. 10, line 54 – col. 12, line 26; col. 14, line 30 – col. 15, line 22; col. 19, line 12 – col. 20, line 3).

Regarding claim 30, Ashida et al. discloses a display device (Fig. 1: 5; fig. 9: 104; fig. 12: 124) that displays the image picked up by the image pickup device (Fig. 1: 1a; fig. 9: 91-1; fig. 24A: 240); and wherein a range of the photographable image (overview image) is larger than a range of the image to be displayed on said display device (the range of the overview image is larger than the range of the image displayed in the small window displayed in the screen 104 in fig. 9, in the two small screens in fig. 12: 124 and in the small screen shown in fig. 24C). Grounds for rejecting claim 28 apply here.

Regarding claim 31, Ashida et al. discloses that the range setting device sets the restricted display region in response to designation of a corresponding portion on the photographable image (Ashida et al. discloses selecting a specified range to be displayed by detecting sound of a participant using microphones and a speaker detection circuit (Col. 4, lines 20-44). This reads as setting the restricted display region in response to designation of a corresponding portion on the photographable image since the region selected is determined by the microphone related to a specific region).

Regarding claim 32, Ashida et al. discloses a video system (Figs. 1, 9, 12, 18, 23 and 24) comprising: an image pickup control device Figs. 1, 9, 12, 18, 23 and 24 that controls an image pickup operation of an image pickup device (Fig. 1: 1a and fig. 1: 1b); a display control device that displays a photographable image on a screen (Fig. 1: 5; fig. 9: 104; fig. 12: 124); a range setting device (Fig. 9: 103; fig. 18: 137a) that sets a

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desired image portion on the photographable image (See fig. 9: 102-1; see also fig. 12; image taken by camera 131-1 in fig. 13) displayed on the screen, thereby setting a restricted display region indicating the desired image portion on the photographable image (Fig. 9: 104; fig. 12: 124; fig. 24C); and a restriction device (As shown in fig. 18, the control unit 138 in conjunction with ratio control 137a and selector 139, replace a portion of the image captured by camera 131-1 with image data captured by camera 131-2, this is done based on the amount of data in buffers units (col. 14, line 30 – col. 15, line 22)) that restricts an amount of data corresponding to an image picked up by the image pickup device to be displayed in the restricted display region (Col. 4, line 34 – col. 5, line 25; col. 9, lines 3-35; col. 10, line 54 – col. 12, line 26; col. 14, line 30 – col. 15, line 22; col. 19, line 12 – col. 20, line 3).

Regarding claim 33, Ashida et al. discloses a display device (Fig. 1: 5; fig. 9: 104; fig. 12: 124) that displays the image picked up by the image pickup device; and wherein said restriction device restricts the amount of data in order that no image data of the image picked up by the image pickup device is output to said display device (Ashida et al. discloses that the in the restricted area of the display image, there will be data of a different camera capturing a predetermined area of the overview image (Col. 4, line 34 – col. 5, line 25; col. 9, lines 3-35; col. 10, line 54 – col. 12, line 26; col. 14, line 30 – col. 15, line 22; col. 19, line 12 – col. 20, line 3). This reads as restricting the amount of data in order that no image data of the image picked up by the image pickup device is output to said display device since no data from the camera capturing the

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overview image is displayed on the restricted area). Grounds for rejecting claim 32 apply here.

Regarding claim 34, limitations can be found in claim 30.

Regarding claim 35, limitations can be found in claim 31.

Regarding claim 36, this is a method claim of the apparatus in claim 28.

Therefore, grounds for rejecting claim 28 apply here.

Regarding claim 37, this is a method claim of the apparatus in claim 32.

Therefore, grounds for rejecting claim 32 apply here.

Regarding claim 38, claim 38 recites a computer readable recording medium having recorded thereon a program for executing a video system control method executed by the video system in claim 28 (Video system comprises a processing circuit 53 executing the method in claim 28). Therefore, grounds for rejecting claim 28 apply here.

Regarding claim 39, claim 39 recites a computer readable recording medium having recorded thereon a program for executing a video system control method executed by the video system in claim 28 (Video system comprises a processing circuit 53 executing the method in claim 28). Therefore, grounds for rejecting claim 28 apply here.

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Shibata et al., US Patent 5,790,178.**

Regarding claim 28, Shibata et al. discloses a video system (Fig. 1) comprising: an image pickup control device (Fig. 1: 101; see also fig. 6) that controls an image pickup operation of an image pickup device (Fig. 1: 1); a display control device (Fig. 1: 5) that displays a photographable image on a screen (Fig. 1: 2); a range setting device (Fig. 2: 205 and fig. 3) that sets a desired image portion of the photographable image (See fig. 4) displayed on the screen, thereby setting a restricted display region (small region 402 in fig. 4) indicating the desired image portion on the photographable image (See fig. 4: 401); and an image processing device (Fig. 2: 205 and fig. 3) that exchanges an image picked up by the image pickup device in the restricted displaying region for another image (See still picture in small region of the screen as shown in fig. 4: b) (Col. 9, line 10 – col. 10, line 38).

Regarding claim 29, Shibata et al. discloses that the other image is a predetermined still image (See still picture in small region of the screen as shown in fig. 4: b). Grounds for rejecting claim 28 apply here.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
March 5, 2007



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